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Coalition of Arizona, Inc.

## ARIZONA SUPREME COURT

In the matter of PETITION TO  
AMEND RULES 46-74, RULES OF  
THE SUPREME COURT OF  
ARIZONA

Supreme Court No. R-09-0044

**COMMENT OF THE FIRST  
AMENDMENT COALITION OF  
ARIZONA, INC. WITH REGARD  
TO PROPOSED NEW SUPREME  
COURT RULE 49(a)(2)(C)**

The First Amendment Coalition of Arizona, Inc. (“Coalition”) submits this comment concerning the new Supreme Court Rule 49(a)(2)(C) proposed by Rule Petition R-09-0044. The Coalition is a non-profit corporation comprised of the Arizona Newspapers Association, Arizona Broadcasters Association, the Arizona-New Mexico Cable Communications Association, the Society of Professional Journalists and the Arizona Press Club.

Proposed new Rule 49(a)(2)(C) amends current Rule 51(a)(2)(C) to provide that sanctions and orders regarding disciplined attorneys be posted on the State Bar’s website. The Coalition proposes that an automated notification system

similar to the Automated Notification Program currently provided on the Arizona Supreme Court's website for opinions, administrative order and minutes ([www.supreme.state.az.us/clerk/listserv.htm](http://www.supreme.state.az.us/clerk/listserv.htm)) be provided on the State Bar's website to allow for timely and easy access to disciplinary information.

The proposed rule, like the current rule, provides that Bar Counsel "shall make such notices available to a newspaper of general circulation in each county in which the lawyers maintained an office for the practice of law." Because the news media has grown and diversified into the online world and because some Arizona communities are no longer served by newspapers based in those communities, an Automated Notification Program would provide timely information about disciplined attorneys to the online media, whether it be large news websites such as *azfamily.com* (<http://www.azfamily.com>) and *azstarnet.com* (<http://www.azstarnet.com>) or a hyperlocal site such as *The Watch Tree Scottsdale* (<http://www.thewatchtreescottsdale.com>), which focuses on local news in the City of Scottsdale. Use of an automated notification system would place no burden upon Bar Counsel to keep track of who receives notification, nor would it require any additional effort by Bar Counsel to provide notice to whomever wishes to receive it.

The Coalition proposes that the underscored language in italics below be added to the new Rule 49(a)(2)(C):

C. Public Notice of Discipline Imposed. Chief bar counsel shall cause notices of orders or judgments of censure, suspension, disbarment, transfers to and from disability status and reinstatement to be published in the Arizona Attorney or another usual periodic publication of the state bar, and shall make such notices available to a newspaper of general circulation in each county in which the lawyer maintained an office for the practice of law. Notices of sanctions or orders shall be posed on the state bar's website, where interested parties may click on a link to

sign up for an “Automated Notification Program” to receive such notices, as follows:

(i) Disbarment, suspension, interim suspension, censure, and reinstatement shall be posted for an indefinite period of time.

(ii) Probation, restitution and costs shall be posted for five years from the effective date of the sanction or until completion, whichever is later; the posting shall indicate whether the case is still active or has been completed.

(iii) A finding of contempt of a supreme court order shall be posted for five years from the effective date of the order or until the contempt is purged, whichever is later; the posting shall indicate whether the case is still active or the contempt has been purged.

(iv) A transfer to disability inactive status shall be posted while the order is in effect.

(v) An administrative or summary suspension shall be posted while the suspension is in effect.

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Respectfully submitted,

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